

THE EFFECTIVE DATE OF THIS ORDINANCE IS November 30, 2006.

ORDINANCE NO. 06-42-438

AN ORDINANCE AMENDING SECTION 1-19-4 OF
THE FREDERICK COUNTY CODE BY ADDING
DEFINITION FOR FARM WINERY, FARM WINERY TASTING ROOM
AND AGRICULTURAL VALUE ADDED PROCESSING
AND AMENDING SECTION 1-19-289
TO REQUIRE A ZONING CERTIFICATE

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland
(Board), has considered a text amendment proposed by the Agricultural Business
Council to amend the Zoning Ordinance.

The text amendment as proposed would amend the Zoning Ordinance to
include definitions for, and provide as allowable uses in certain districts, certain
agricultural businesses. More specifically, the proposal is to define and allow
under the Zoning Ordinance the following: "Farm Winery"; "Farm Winery
Tasting Room"; and "Agricultural Value Added Processing."

The Board finds that these uses would benefit and aid in the continuation of
agriculture in Frederick County. Residential growth and changes in the agriculture
industry have placed economic pressure on the farming community of the County.
The proposed text amendment would provide additional means for agricultural
producers in the County to market their products and is supportive of existing and
future agricultural business in the County.

The Board finds that the proposed text amendment would be of benefit to the citizens of the County by assisting the continued viability of agricultural producers and maintaining the rural character of the County.

A duly advertised public hearing on this Ordinance was held on August 15, 2006. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-19-4 of the Frederick County Code (2004) is hereby amended by adding new definitions as set forth on the Attached Exhibit A.

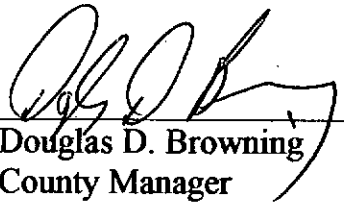
AND BE IT FURTHER ENACTED AND ORDAINED that Section 1-19-289 be amended by adding Farm Winery and Agricultural Value Added Processing in the Resource Conservation (RC) and Agricultural (A) zoning districts as a (P) principal permitted use subject to design regulations. To amend Section 1-19-289 by adding Farm Winery Tasting Room as a (PS) principal permitted use to site development plan approval and to require a zoning certificate be obtained prior to the initiation of the processing operation, as set forth on the attached Exhibit B.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on Nov. 30, 2006.

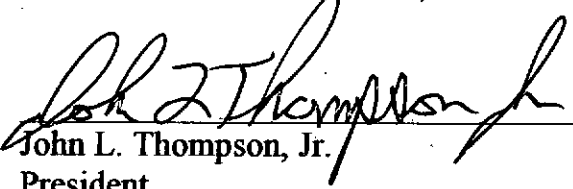
The undersigned hereby certifies that this Ordinance was approved and adopted on the 30th day of Nov. 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager



John L. Thompson, Jr.
President

MJC 11/30/06

EXHIBIT A

AGRICULTURAL VALUE ADDED PROCESSING: TREATMENT THAT CHANGES THE FORM OF A PRODUCT GROWN ON A FARM IN ORDER TO INCREASE ITS MARKET VALUE WITH A MINIMUM OF 51% OF THE PROCESSED PRODUCT BEING PRODUCED ON THE FARM. FOR PURPOSES OF THIS USE, THE TERM "FARM" INCLUDES CONTIGUOUS AND NONCONTIGUOUS PARCELS WITHIN THE COUNTY IN ACTIVE AGRICULTURAL PRODUCTION WHICH ARE OWNED OR LEASED BY THE PROCESSOR.

FARM WINERY: THE USE OF THE PROPERTY FOR THE PROCESSING OF FRUIT FOR THE PRODUCTION OF WINE OR JUICE ON A PRODUCING VINEYARD, ORCHARD OR SIMILAR GROWING AREA, OR A FARM. A FARM WINERY MUST HAVE A VALID CLASS IV MARYLAND WINE LICENSE AND MUST GROW ONE (1) ACRE OF FRUIT FOR EVERY TWO THOUSAND (2,000) GALLONS OF WINE OR JUICE PRODUCED. FOR PURPOSES OF THIS USE, THE TERM "FARM" INCLUDES CONTIGUOUS AND NONCONTIGUOUS PARCELS WITHIN THE COUNTY IN ACTIVE AGRICULTURAL PRODUCTION WHICH ARE OWNED OR LEASED BY THE PROCESSOR.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

FARM WINERY TASTING ROOM: A FARM WINERY MAY
HAVE ONE (1) ACCESSORY STRUCTURE FOR THE PURPOSE OF
WINE TASTING AND RETAIL SALES OF WINERY PRODUCTS.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

EXHIBIT B

Sec. 1-19-289. Use regulations for specific zoning districts.

<i>Uses</i>	<i>RC</i>	<i>AG</i>	<i>R1</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>VC</i>	<i>HS</i>	<i>G C</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
<i>Natural Resources Uses</i>													
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P
AGRICULTURAL VALUE ADDED PROCESSING	P ***	P ***											
Commercial greenhouses and Nurseries	E	E								PS		PS	PS
FARM WINERY	P ***	P ***											
FARM WINERY TASTING ROOM	PS ***	PS ***											
Forestry	P	P	P	P	P	P	P	P	P	P		P	P
Intensive swine farm													
Mineral extraction													PS
Mineral processing													PS
Roadside Stands – retail and wholesale	PS	PS	PS	PS				PS	PS	PS			
Sawmill	PS	PS											PS
Spring water harvesting and storage	E												

Footnote

***** A ZONING CERTIFICATE IS REQUIRED TO BE OBTAINED PRIOR TO THE INITIATION OF THE PROCESSING OPERATION AND/OR PRIOR TO ANY BUILDING CONSTRUCTION RELATED TO FARM WINERY OR FARM WINERY TASTING ROOM.**

**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.**